



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/617,100

07/10/2003

Yutaka Banba

35848

1988

116

7590

11/09/2006

PEARNE & GORDON LLP

1801 EAST 9TH STREET

SUITE 1200

CLEVELAND, OH 44114-3108

EXAMINER

RIZK, SAMIR WADIE

ART UNIT

PAPER NUMBER

2133

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,100

Applicant(s)

BANBA, YUTAKA

Examiner

Sam Rizk

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

- Response to the applicant's RCE dated 10/23/2006
- Claims 1-13 have been Cancelled
- New claims 14-16 have been submitted for examination
- Claims 14-16 have been rejected

Claim Rejections - 35 USC § 112

1. Claim 14 recites the limitation "said compressed frame data" in line (5). There is insufficient antecedent basis for this limitation in the claim. The limitation should read, "said **plurality** of compressed frame data"
2. Claim 14 recites the limitation "the plural classes" in line (9) and line (14). There is insufficient antecedent basis for this limitation in the claim.
3. Claim 14 recites the limitation "the grouping" in line 16. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 14 recites the limitation "the original information" in line 16. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 14 recites the limitation "in each of **audio compressed frame data (314)**" in line 18. Same reference character (314) has been recited in line 2 as "**transmission frame (314)**". There is indefinite basis for this limitation in the claim.
6. Claim 15 recites the limitation "the bits of said compressed frame data (314)" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Response to Arguments

7. The applicant has not argued how the new claims (14-16) limitations are different from the previously cancelled claims (1-13).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawahara et al. US patent. No. 6434718 (Hereinafter Kawahara).
9. In regard to claim 14, Kawahara teaches:
- Claim 14 (new): A decoding method for a signal having been encoded under use of a channel coding per transmission frame (314) having a plurality of compressed frame data (310, 311, 312, 313), including:
 - a) bits of said compressed frame data (310, 311, 312, 313) grouped into classes (320, 321, 322) according to the degree degradation in decoding quality in the presence of transmission errors;
 - b) the plural classes (320, 321, 322) having been subjected to different channel coding processes under use of different error protection codes,

(Note: Figure(s) 2A, 2B and 2C and Col. 3, line 28 and Col. 4 Lines (65-67) and Col. 5, lines (1-5) in Kawahara)

the decoding method comprising the steps of:

- performing different decoding for transmission frames in each of the plural classes (320, 321, 322) grouped in descending order of error protection,
- cancelling the grouping to restore the original information (310, 311, 312, 313),
- in each of audio compressed frame data (314) compressed by way of a sub-band ADPCM mode,
- halting the process of the application of a scale factor during ADPCM decoding per sub-band in the presence of an unrecoverable transmission error in said audio compressed frame data.

(Note: Fig. 3 and Col. 5, lines (52-65) in Kawahara).

10. In regard to claim 15, Kawahara teaches:

- Claim 15 (new): Use of the decoding method of claim 14 on a coded signal wherein the bits of said compressed frame data (314) are grouped into at least three classes (320, 321, 322) involving first class (320), **(Note: Col. 4, lines (35-39) in Kawahara)**, second class (321) **(Note: Col. 4, lines (30-34) in Kawahara)**, of which the degree of degradation of the decoding quality is smaller than that of the first class and third class (322) **(Note: Col. 4, lines (42-46) in Kawahara)** of

- which the degree of degradation of the decoding quality is smaller than that of the second class (321), and
- wherein first process "convolution coding and addition of CRC check codes" is performed for bits classified as the first class (320), second process "convolution coding only" is performed for bits classified as the second class (321), and third process "no coding" is performed for bits classified as the third class (322).

(Note: Col. 4, lines (35-39) and Col. 4, lines (30-34) and Col. 4 lines (42-46) in Kawahara)

11. Claim 16 is rejected for the same reasons as per claim 14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Rizk whose telephone number is (571) 272-8191. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2133

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronics Business Center (EBC) at 866-217-9197 (toll-free)

Sam Rizk, MSEE, ABD

Examiner

ART UNIT 2133

[Handwritten signature]
11/3/06

[Handwritten signature]
ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100